

SEVENTY-FOURTH DAY

(Tuesday, May 22, 1945)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moore
Brown	Morris
Bullock	Parrish
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalfe	York
Moffett	

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Kelley was granted leave of absence for today on account of important business on motion of Senator Bullock.

Senator Mauritz was granted leave of absence for today on account of illness on motion of Senator Bullock.

Senate Resolution 79

(Extending Courtesies to Miss Gene Farley)

Senator Hazlewood offered the following resolution:

Whereas, Cal Farley is one of the most popular and distinguished citizens and civic leaders of Amarillo and the Texas Panhandle, being prominently identified with the organization of what was nationally known as the Maverick Club, an organization for underprivileged and delinquent boys, to which he has made substantial contributions in money, as well as in personal efforts, and which organization has since been transformed into what is known as "Boys' Ranch" and

now considered the No. 2 organization of its kind in America; and

Whereas, Cal Farley has further distinguished himself as president of the Rotary Club of Amarillo, District Governor for Rotary International, and has for the past few years sponsored and put on more campaigns for the sale of War Bonds than probably any man in Texas, he having been a veteran of World War I, and included among his other activities is radio announcing and broadcasting for various clubs and groups; and

Whereas, said Cal Farley has elected to send his only daughter, Gene Farley, to the University of Texas where she is now a student; and

Whereas, Gene Farley, though young in years, has distinguished herself as a coming civic leader, emulating closely the ideals and principles set for her by her illustrious father; and

Whereas, said Gene Farley is also an up and coming radio announcer and entertainer in her own right, engaged in daily broadcasting during the summer months, and now bids well to surpass her father in many respects; and

Whereas, it has long been a desire of Gene Farley to observe the proceedings of the Senate of Texas and she is now present in the State Capitol for the purpose of observing said proceedings; now, therefore, be it

Resolved by the Senate of Texas that said Gene Farley be extended a cordial welcome by the Senate and that she be granted the privileges of the floor of the Senate this 22nd day of May, A. D. 1945.

The resolution was read and was adopted.

Senate Resolution 80

(Address By Major Roy O. Irvin)

Senator Bullock offered the following resolution:

Whereas, Major Roy O. Irvin of Snyder, Texas, is now in the Capitol on this the 22nd day of May, 1945, and

Whereas, Major Irvin participated in the landing at Salerno where he was taken prisoner and has only recently escaped after nineteen months imprisonment in German prison camps, and

Whereas, Major Irvin was an out-

standing and courageous officer of the 36th Division; now, therefore, be it

Resolved, by the Senate of Texas, that Major Irvin be extended a cordial welcome to the Capitol and the privileges of the floor for today, and that he be invited to address the Senate.

Signed,

BULLOCK
SPEARS
SHIVERS
TAYLOR

The resolution was read and was adopted.

Accordingly, the President appointed Senators Bullock, Shivers and Graves as a committee to escort Major Irvin to the President's rostrum.

The committee performed the duty assigned it, and the President presented Senator Bullock who introduced Major Roy O. Irvin to the Senate.

Major Irvin then addressed the Senate briefly.

Senator Moffett moved that the Senate extend a vote of thanks to Major Roy O. Irvin for his address.

The motion prevailed.

House Bill 12 on Second Reading

Senator Ramsey moved that the regular order of business be suspended to take up for consideration at this time, House Bill No. 12.

The motion prevailed by the following vote:

Yeas—17

Aikin	Metcalf
Brown	Moffett
Bullock	Moore
Carney	Ramsey
Crawford	Spears
Hazlewood	Taylor
Jones	Weinert
Knight	Winfield
Lanning	

Nays—8

Graves	Stanford
Lane	Stone
Morris	Sulak
Shivers	York

Absent

Chadick	Parrish
Martin	Vick

Absent—Excused

Kelley	Mauritz
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The President then laid before the Senate on its second reading and passage to third reading:

H. B. No. 12, A bill to be entitled "An Act making it unlawful for any person, firm, partnership, corporation or other business entity of any kind to discriminate against any person seeking employment, or employed, to labor or perform services of any kind in Texas; defining terms used; providing that this Act shall not apply to any existing contracts; providing civil and criminal penalties; providing enforcement by civil procedure and the officers whose duty it is to enforce this Act; declaring rules of construction; containing a saving clause with respect to constitutional invalidity; and declaring an emergency."

The bill was read second time.

Senator Ramsey offered the following amendment to the bill:

Amend House Bill No. 12 by adding thereto a new sentence at the end of paragraph 4B, which sentence shall provide as follows:

"In the event the preceding portion of this section (4B) of this Act shall be held invalid, unconstitutional or inoperative, the rest of this Act shall nevertheless be given effect as if said invalid, unconstitutional or inoperative portion of section (4B) had not been included."

Senator Weinert offered the following substitute for the amendment:

Amend House Bill No. 12 by striking out Section 4B and insert in lieu thereof a new Section 4B as follows:

"Section 4B. Nothing in this Act shall apply to any labor organization whose members come under the jurisdiction of the National Railway Labor Act, the same being Title 45, Section 152, United States Code Annotated; provided, however, that if this exemption is not authorized under any provision of the Constitution of Texas or the Constitution of the United States this Act shall be construed as applying in every respect to such labor organizations whose members come under the jurisdiction of the National Railway Labor Act, it being the intention of this Legislature to exempt such organizations from the provisions of this Act if any only in the event that such exemption would not have the effect of invalidating the other provisions of this Act."

Question—Shall the substitute be adopted?

Senate Bill 346 on First Reading

Senator Graves moved that the rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill the provisions of which he explained.

The motion prevailed by the following vote:

Nays—29

Aikin	Moore
Brown	Morris
Bullock	Parrish
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalfe	York
Moffett	

Absent—Excused

Kelley	Mauritz
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The following bill then was introduced, read first time and referred to the Committee on Counties and County Boundaries:

By Senator Graves:

S. B. No. 346, "An Act amending Section 11 of House Bill No. 961, Chapter 48, Acts of the 47th Legislature, Regular Session, authorizing the Commissioners' Court of Dallas County to appoint a purchasing agent for said county, and to fix his duties, official bond, and compensation, providing his compensation shall not exceed forty-five hundred (4500.00) dollars per annum; and declaring an emergency."

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 21, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed to inform the Senate that the House has passed the following bills and resolutions:

S. C. R. No. 32, Requesting the ap-

pointment of a Joint Committee of three members for each House to examine and make any necessary corrections in the enrolled copy of H. J. R. No. 13, and report to their respective Houses.

The House has appointed the following committee on S. C. R. No. 32: McMurry, Favors, Mangum of Dallas.

The House has concurred in Senate amendments to House Bill No. 701 by a vote viva voce.

S. B. No. 239, Providing that all actions for recovery of real estate by virtue of superior title retention and for the foreclosure of Vendor's Deed of Trust, Mortgage, Voluntary Mechanics or Materialmen's Liens be instituted, and powers of sale in Mortgages and Deed of Trust be exercised within four (4) years after the maturity date of the debt secured as to bona fide purchasers, mortgagees or lessees unless extended. With amendments.

S. B. No. 335, To abolish the 88th Judicial District and the District Court thereof; providing for the transfer of its cases to the District Court of the 91st Judicial District.

The House has concurred in Senate amendments to House Bill No. 849 by a vote of 106 yeas, 4 nays, 1 present not voting.

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 120. The following have been appointed on the part of the House: Morgan, Adams, Humphrey, Reader, A. M. Jones.

The House refused to concur in Senate amendments to House Bill No. 353 and has requested the appointment of a conference committee to consider the differences between the two Houses. The following have been appointed on the part of the House: Isaacks, Pearson, Chambers, O. E. Lock, Gerron.

The House has concurred in Senate amendments to H. B. No. 693 by a vote of 115 yeas and 0 nays.

The House has adopted the conference committee report on S. B. No. 38 by a vote of 109 yeas and 0 nays and 1 present and not voting.

The House refused to concur in Senate amendments to H. B. 110 and has requested the appointment of a

conference committee to consider the differences between the two Houses. The House appointed the following: Pearson, Storey, Isaacks, Swanson, Chambres.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk House of Representatives.

Report of Committee to Examine Enrolled Copy of House Joint Resolution 13

Senator Metcalfe submitted the following report:

Austin, Texas,
May 22, 1945.

Hon. John Lee Smith, President of the Senate.

Hon. Claud Gilmer, Speaker of the House.

Sirs: We, your committee appointed under the authority of Senate Concurrent Resolution No. 32 to examine the enrolled copy of House Joint Resolution No. 13, beg leave to report that we have examined the same and find it duly and properly enrolled in every sense in the form and substance agreed by the two Houses. Correct copies of the Resolution are attached hereto.

Respectfully submitted,
METCALFE
CHADICK
TAYLOR

On the part of the Senate.
McMURRY
FAVORS
MANGUM

On the part of the House.

(Text of Attached Resolution)

H. J. R. No. 13

Proposing an amendment to the Constitution of the State of Texas, amending Sections 51a, 51b, 51c, and 51d of Article III so that the same shall consist of one section to be known as Section 51a, providing that the Legislature shall have the power to provide assistance to and provide for the payment of same to actual bona fide citizens of Texas who are needy aged persons over the age of sixty-five (65) years, needy blind persons over the age of twenty-one (21) years, and needy children under the age of sixteen (16) years; providing for the acceptance of financial aid from the Government of the United States for

such assistance; providing that the payments of such assistance from State funds shall never exceed either the payments from Federal funds or a total of more than Thirty-five Million Dollars (\$35,000,000) per year; providing for the necessary election, form of ballot, proclamation, and publication, and making an appropriation to defray the necessary expenses of proclamation, publication, and holding the election.

Be it Resolved by the Legislature of the State of Texas:

Section 1. That Sections 51a, 51b, 51c, and 51d of Article III of the Constitution of the State of Texas be amended and the same are hereby amended so that the same shall hereafter consist of one section to be numbered 51a, which shall read as follows:

"Sec. 51a. The Legislature shall have the power, by general laws to provide, subject to limitations and restrictions herein contained and such other limitations restrictions and regulations as may by the Legislature be deemed expedient for assistance to, and for the payment of assistance to:

"(1) Needy aged persons who are actual bona fide citizens of Texas and who are over the age of sixty-five (65) years; provided that no such assistance shall be paid to any inmate of any State supported institution, while such inmate, or to any person who shall not have actually resided in Texas for at least five (5) years during the nine (9) years immediately preceding the application for such assistance and continuously for one (1) year immediately preceding such application; provided that the maximum payment per month from State funds shall not be more than Twenty Dollars (\$20) per month.

"(2) Needy blind persons who are actual bona fide citizens of Texas and are over the age of twenty-one (21) years; provided that no such assistance shall be paid to any inmate of any State supported institution, while such inmate, or to any person who shall not have actually resided in Texas at least five (5) years during the nine (9) years immediately preceding the application for such assistance and continuously for one (1) year immediately preceding such application.

"(3) Needy children who are actual bona fide citizens of Texas and are under the age of sixteen (16) years; provided that no such assistance shall be paid on account of any child over one (1) year old who has not continuously resided in Texas for one (1) year immediately preceding the application for such assistance, or on account of any child under the age of one (1) year whose mother has not continuously resided in Texas for one (1) year immediately preceding such application.

"The Legislature shall have the authority to accept from the Federal Government of the United States such financial aid for the assistance of the needy aged, needy blind, and needy children as such Government may offer not inconsistent with restrictions herein set forth; provided however that the amount of such assistance out of State funds to each person assisted shall never exceed the amount so expended out of Federal Funds; and, provided further that the total amount of money to be expended out of State funds for such assistance to the needy aged, needy blind, and needy children shall never exceed the sum of Thirty-five Million Dollars (\$35,000,000) per year.

Should the Legislature enact enabling laws and provide an additional appropriation hereto in anticipation of the adoption of this amendment, such Acts shall not be invalid by reason of their anticipatory character.

Sec. 2. The foregoing Constitutional amendment shall be submitted to the qualified electors of Texas at a special election to be held throughout the State of Texas on the 25th day of August, 1945, at which election there shall be printed on such ballot the following clause:

"FOR the amendment to the Constitution giving the Legislature the power to set up a system of payment of old age assistance to those above sixty-five (65) years of age; provided that monthly payments from State funds to any one person may be in valid amounts based on need, that the maximum payment per month per person from State funds shall not be more than Twenty Dollars (\$20) per month; giving the Legislature the power to set up a system of payments for the needy blind persons over twenty-one (21) years of age; giving the Legislature the power to set up a system of payments to needy

children under sixteen (16) years of age; providing for the expenditure of funds from the Federal Government; limiting the total amount which may be expended for such assistance out of State funds; and providing conditions as to residence within the State in order to become eligible to receive assistance."

"AGAINST the amendment to the Constitution giving the Legislature the power to set up a system of payments of old age assistance to those above sixty-five (65) years of age; provided that monthly payments from State funds to any one person may be in valid amounts based on need, that the maximum payment per month per person from State funds shall not be more than Twenty Dollars (\$20) per month; giving the Legislature the power to set up a system of payments for the needy blind persons over twenty-one (21) years of age; giving the Legislature the power to set up a system of payments to needy children under sixteen (16) years of age; providing for the expenditure of funds from the Federal Government; limiting the total amount which may be expended for such assistance out of State funds; and providing conditions as to residence within the State in order to become eligible to receive assistance."

Sec. 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and have the same published and held as required by the Constitution and Laws of the State of Texas.

Sec. 4. The sum of Five Thousand (\$5,000) or so much thereof as may be necessary is hereby appropriated out of the funds of the Treasury of the State, not otherwise appropriated, to pay expenses of such publication and election.

President of the Senate.

Speaker of the House.

I hereby certify that H. J. R. No. 13 was passed by the House on February 20, 1945, by the following vote: Yeas 135, nays 0; and that the House concurred in Senate amendments to H. J. R. No. 13 on May 17, 1945, by the following vote: Yeas 113, nays 10.

Chief Clerk of the House.

I hereby certify that H. J. R. No. 13 was passed by the Senate, as

amended, on May 9, 1945, by the following vote: Yeas 21, nays 6.

Secretary of the Senate.

Senator Metcalfe moved that the report be adopted.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moore
Brown	Morris
Bullock	Ramsey
Carney	Shivers
Chadick	Spears
Crawford	Stanford
Graves	Stone
Hazlewood	Sulak
Jones	Taylor
Knight	Vick
Lane	Weinert
Metcalfe	Winfield
Moffett	

Absent

Lanning	Parrish
Martin	York

Absent—Excused

Kelley	Mauritz
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House Concurrent Resolution 41

The President laid before the Senate as postponed business for consideration at this time:

H. C. R. No. 41, Relative to the sale of certain State owned lands near Prairie View Normal and Industrial College.

The resolution having been read second time on yesterday.

Question—Shall the resolution be adopted?

Senator Sulak offered the following amendment to the resolution:

Amend H. C. R. No. 41, by striking out in paragraph 5, line 3, the word "required."

The amendment was adopted.

H. C. R. No. 41 was then adopted.

House Bill 56 on Passage to Third Reading

The President laid before the Senate as postponed business on its passage to third reading (the bill having been read second time on yesterday):

H. B. No. 56, A bill to be entitled "An Act amending Chapter 13, Acts

of the Third Called Session of the 42nd Legislature, as amended; declaring the policy of the State with reference to building, maintaining, and financing State designated roads; declaring the policy of the State with reference to the construction of roads which are ancillary to but are not State designated highways; defining certain terms used throughout the Act; continuing the Board of County and District Road Indebtedness and prescribing the powers, duties and obligations of said Board; etc., and declaring an emergency."

With the following amendment by Senator Parrish pending:

Amend House Bill No. 56 by adding thereto a new paragraph at the end of Section 1, to read as follows:

"In addition to and regardless of the other provisions of this Act, all bonds, warrants and other legal evidences of indebtedness issued by any county or road district between January 2, 1939 and January 2, 1945 shall be eligible to participate in the distribution of the moneys coming into said County and Road District Highway Fund the same as provided for other eligible bonds under this Act, insofar as the proceeds thereof were actually expended prior to January 2, 1945 in the construction of roads which had been designated on or before January 2, 1945 by the State Highway Commission as a part of the System of designated State Highways. Such bonds, warrants and other legal evidences of indebtedness shall be entitled to participate in said Fund as of the date of designation of such road as a State Highway. The provisions of this paragraph as applied to such bonds, warrants and evidences of indebtedness shall prevail over any other provisions of this Act to the contrary."

(Senator Winfield in the Chair)

Question recurring on the amendment, it was lost by the following vote:

Yeas—9

Bullock	Parrish
Graves	Spears
Hazlewood	Stone
Jones	Sulak
Martin	

Nays—18

Aikin	Carney
Brown	Chadick

Crawford	Morris
Knight	Ramsey
Lane	Shivers
Lanning	Taylor
Metcalfe	Weinert
Moffett	Winfield
Moore	York

Absent

Vick Stanford

Absent—Excused

Kelley Mauritz

On motion of Senator Morris, and by unanimous consent, the caption was amended to conform with the bill as amended.

House Bill No. 56 was then passed to third reading.

House Bill 56 on Third Reading

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 56 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Metcalfe
Brown	Moffett
Bullock	Moore
Carney	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Spears
Jones	Stanford
Stone	Sulak
Knight	Taylor
Lane	Weinert
Lanning	Winfield
Martin	York

Absent

Vick

Absent—Excused

Kelley Mauritz

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Brown Aikin

Bullock	Moore
Carney	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Spears
Jones	Stanford
Knight	Stone
Lane	Sulak
Lanning	Taylor
Martin	Weinert
Metcalfe	Winfield
Moffett	York

Absent

Vick

Absent—Excused

Kelley Mauritz

(President in the Chair)

House Bill 12 on Passage to Third Reading

The Senate resumed consideration of pending business, same being House Bill No. 12, on its passage to third reading, with an amendment by Senator Ramsey and a substitute by Senator Weinert for the amendment pending.

Senator Stone raised a point of order against further consideration of the bill at this time, and submitted the point of order in writing, as follows:

May 22nd, 1945.

Mr. President:

I raise the point of order that H. B. 12 has not been properly brought up and can not properly be considered by the Senate at this time for the following reasons:

1. The morning call has not been completed and no motion has been made or passed to suspend the morning call for the purpose of making a motion to take up said bill.

2. There is now pending before the Senate S. B. No. 208 as an unfinished special order and the President has consistently held all session that motions cannot be made to take up other bills until pending business has been disposed of.

STONE.

The President overruled the point of order.

Senator Stone then moved to table the substitute by Senator Weinert.

Yeas and nays were demanded, and

the motion prevailed by the following vote:

Yeas—15

Brown	Moffett
Chadick	Morris
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lane	York
Metcalf	

Nays—11

Aikin	Ramsey
Bullock	Shivers
Carney	Taylor
Lanning	Weinert
Martin	Winfield
Moore	

Absent

Crawford	Vick
Parrish	

Absent—Excused

Kelley	Mauritz
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Question recurring on the amendment by Senator Ramsey yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—13

Aikin	Moore
Bullock	Ramsey
Carney	Shivers
Crawford	Taylor
Hazlewood	Weinert
Lanning	Winfield
Martin	

Nays—14

Brown	Moffett
Chadick	Morris
Graves	Spears
Jones	Stanford
Knight	Stone
Lane	Sulak
Metcalf	York

Absent

Parrish	Vick
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Absent—Excused

Mauritz	Kelley
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Senator Taylor offered the following amendment to the bill:

Amend H. B. No. 12, Section 2, line 23 on page 2, by striking out the period and adding the following:

“(e) To require as a condition of

employment any war veteran who has been honorably discharged from any of the armed forces of the United States Government to waive, either orally or in writing, any rights or benefits to which he or she might otherwise be entitled; (f) to deny employment to any war veteran because of a physical disability or handicap if said veteran is physically and mentally qualified to perform the duties required of such employment, provided such disability or handicap was incurred while in the Armed Forces of the United States Government.”

The amendment was adopted by the following vote:

Yeas—28

Aikin	Moore
Brown	Morris
Bullock	Parrish
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lanning	Vick
Martin	Weinert
Metcalf	Winfield
Moffett	York

Nays—1

Lane

Absent—Excused

Kelley	Mauritz
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Senator Taylor offered the following amendment to the bill:

Amend H. B. No. 12 by adding a new section following Section 3, on line 34, page 2 of the printed bill by adding a new section as follows:

Sec. 3-A. The term “War Veteran” as used in this Act shall mean any person who has been honorably discharged from the Army, Navy, the U. S. Maritime Service and the U. S. Merchant Marine, or any branch or component part of the armed forces of the United States Government who served the United States in time of war.

Question—Shall the amendment be adopted?

House Bill 818 on Second Reading

On motion of Senator Lanning and by unanimous consent, the regular or-

der of business was suspended to take up on its second reading and passage to third reading:

H. B. No. 818, A bill to be entitled "An Act providing for the transfer by the State Treasurer of a certain sum of money from the Oil and Gas Enforcement Fund, to the General Revenue Fund; appropriating said money for the construction and/or purchase of an office building and/or a State Courts Building and equipping same, as well as certain other construction, as provided for by the Legislature; etc., and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

House Bill 818 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 818 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moore
Brown	Morris
Bullock	Parrish
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalf	York
Moffett	

Nays—2

Hazlewood Stanford

Absent—Excused

Kelley Mauritz

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Carney
Brown	Chadick
Bullock	Crawford

Graves	Ramsey
Jones	Shivers
Knight	Spears
Lane	Stone
Lanning	Sulak
Martin	Taylor
Metcalf	Vick
Moffett	Weinert
Moore	Winfield
Morris	York
Parrish	

Nays—2

Hazlewood Stanford

Absent—Excused

Kelley Mauritz

Report of Standing Committee

By unanimous consent, the following report was submitted at this time:

Austin, Texas,
May 22, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred S. B. No. 346, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CHADICK, Chairman.

Report of Conference Committee on Senate Bill 38

Senator Morris submitted the following report of the Conference Committee on Senate Bill No. 38:

Hon. John Lee Smith, President of the Senate.

Hon. Claud Gilmer, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the two Houses on S. B. No. 38, have had same under consideration, and beg to report back the recommendation that it be passed in the form attached hereto.

MORRIS
AIKIN
BULLOCK
SHIVERS

On the part of the Senate.

PROFFER
MANGUM
GREER
MORGAN

SMITH of Jefferson
On the part of the House.

S. B. No. 38

"An Act providing special educational services for exceptional children between the ages of six (6) and seventeen (17); defining the terms "special services" and "exceptional children"; prescribing a procedure for school districts to follow in order to become eligible for State Aid; creating a Division of Special Education in the Department of Education and defining its authority; providing for the appointment of a director of Special Education and requiring certain qualifications; requiring certain qualifications for teachers of classes of special education; providing for certain courses of study; providing for the payment of excess cost of not over Two Hundred (\$200.00) per year above the average per capita for normal children; providing for transfer of students; appropriating Twenty-five Thousand Dollars (\$25,000.00) for the administration of, and Two Hundred Seventy-five Thousand (\$275,000.00) to carry out the provisions of this Act during the biennium beginning September 1, 1945, and ending August 31, 1947; providing for convalescent classes in approved treatment institutions; repealing all conflicting laws; providing severability and declaring an emergency."

Be it Enacted by the Legislature of the State of Texas:

Article I. Purpose and Definition.

Section 1. It is the purpose of this Act to provide competent educational services for the exceptional children in Texas between and including the ages of six (6) and seventeen (17) for whom the regular school facilities are inadequate or not available.

Sec. 2. In interpreting and carrying out the provisions of this Act, the words "exceptional children," wherever used, will be construed to include any child of educable mind whose bodily functions or members are so impaired that he cannot be safely or adequately educated in the regular classes of the public schools without the provision of special services. For the purposes of this Act, the term "exceptional children" shall not include those children who are eligible for the State schools for the Deaf or the Blind. The term "special services" may be interpreted to mean transportation, special teaching in

the public school curriculum; corrective teaching, such as lip reading, speech correction, sight conservation, and corrective health habits; the provision of special seats, books and teaching supplies, and equipment required for the instruction of exceptional children.

Article II. Eligibility.

Section 1. The School Board of any school district may establish and maintain special classes for five (5) or more exceptional children who are residents of such district and/or such exceptional children who are residents of other school districts, which can not meet the requirements for establishing and maintaining special classes.

In any school district where the parents of five (5) or more of any type of exceptional children, or types which may be taught together, petition the Board of Education of that district for a special class it shall be the duty of the school authorities to request the Division of Special Education of the State Department of Education to cooperate in the establishment of such class or classes under rules and regulations established for this purpose by the State Department of Education, provided also that two (2) or more adjacent school districts may join together and contract to establish a special class or classes. In such a case the various districts are to be paid the cost of educating the children in the special class or classes over and above the average per capita cost of educating normal children in the respective school districts. In other districts where there is not sufficient number for the organization of a special class or classes, exceptional children may be entered in special classes in any other district; and all per capita apportionment paid to such district for each such child shall be transferred to the district that provides the facilities for their education by the proper authorities, as provided in Section 1 of Article 6 of this Act.

Sec. 2. It is further provided that to be eligible for aid under the provisions of this Act, the school district establishing and maintaining special classes for exceptional children must file with the Division of Special Education in the State Department of Education on or before

September 1st of each school year, on forms furnished by the State Department of Education, a tentative budget containing the anticipated expenditures of such special classes. On or before July 15th of each school year, each school district maintaining special classes for exceptional children shall make a detailed, accurate financial record of all moneys paid out by it for maintenance of these classes; and such financial record shall be subject to the approval of the State Superintendent of Public Instruction. The tentative budget and all forms filed with the State Department of Education must be sworn to by the County Superintendent and the Superintendent or Principal of the school making and filing said forms.

Sec. 3. It is further provided that in order to qualify for reimbursement, the district must include in the receipts of its budget a sum not less than the total per capita cost of educating said exceptional children who are to be taught in special classes. The State Treasurer and the State Department of Education are hereby authorized to pay within the limits set forth in Section 1, Article 5, to the local Board of Education of the school districts establishing and maintaining special classes for exceptional children, not more than the difference between the per capita cost of instruction and equipment for the normal children of that district in any corresponding grade of said school district, and the average per capita cost required to pay teachers' wages and the cost of special services; provided that no excess cost shall be paid for school buildings, premises, or plant.

Sec. 4. Failure on the part of the school district to prepare and certify its report of claims for the excess cost of educating exceptional children to the State Department of Education on or before July 15th of any year, and its failure thereafter to prepare and certify such report to the State Department of Education within ten (10) days after receipt of notice of such delinquency sent to it by the State Department of Education, by registered mail, shall constitute a forfeiture by the school district of its right to be reimbursed by the state for the excess cost of educating exceptional children for such year.

Article III. Supervision and Administration.

Section 1. There is hereby created, in the State Department of Education, a Division of Special Education to foster, inspect, approve and supervise a program of education for exceptional children as defined in this Act; and it is hereby designated as the agency for cooperation with the approved treatment centers and local schools in carrying out the provisions of this Act; and it is further provided, that said Division of Special Education in its rules and regulations shall provide for cooperation with (1) the State Crippled Children's Service; (2) the State Division of Vocational Rehabilitation; (3) the State Department dealing with employment; (4) the local school boards and other interested agencies in providing individual counseling and guidance in social and vocational matters; and for this and other purposes the Division of Special Education may employ one or more teacher-coordinators to assist in the establishment of such services.

Sec. 2. There shall be appointed by the State Superintendent of Public Instruction a Director for the Division of Special Education. It shall be the duty of the Director of the Division of Special Education to furnish forms to all school districts making application for aid under the provisions of this Act; to take such action and to make such rules and regulations not inconsistent with the terms of this Act as may be necessary to carry out the provisions and intentions of this Act, and for the best interest of the exceptional children for whose benefit the funds are appropriated; and to determine whether the exceptional child for whom claim is made is within the class as defined by this Act and whether or not competent educational services were rendered to the child. The Director of the Division of Special Education shall hold a Master's degree from a standard institution of higher learning; shall have completed creditably at least six semester hours in study of the education of exceptional children; and shall show evidence of at least three years of successful experience in the education of exceptional children.

Article IV. Teacher Qualifications and Course of Study.

Section 1. No person shall be employed to teach any class for exceptional children as defined in this Act,

unless he posses a valid teacher's certificate and in addition such training as the Division of Special Education may require in its rules and regulations.

Sec. 2. School boards of the districts wherein a special class or classes are established and maintained are to employ all teachers used in this service prior to the end of the school year 1947-1948; provided such teachers are approved by the Director of the Division of Special Education. After the end of the school year 1947-1948, no teacher shall be employed unless he has the qualifications as set out in Section 1, of this Article.

Sec. 3. Courses of study, relative to adequacy of methods of instruction, necessary equipment for education and prescribed rest and diets must be prepared and issued by the Director of the Division of Special Education with the approval of the State Superintendent of Public Instruction, to schools establishing and maintaining classes for exceptional children. It is further provided that the Division of Special Education shall cooperate with the State University and the State Teachers Colleges or any other standardized institution of higher learning in establishing training facilities for teachers of exceptional children.

Article V. Allocation and Appropriation.

Section 1. The appropriations made under the provisions of this Act and subsequent appropriations are to be used to pay school districts, establishing and maintaining special classes, the excess cost of instructing exceptional children which cost is over and above the average per capita cost of educating normal children in the respective school districts. This aggregate excess cost shall be allocated for payment of teachers' salaries, including corrective teaching, such as lip reading, speech corrective, sight conservation and corrective health habits; necessary school room equipment, and transportation. Such excess cost shall not exceed Two Hundred Dollars (\$200.00) per school year per scholastic.

Sec. 2. If a child attends a class for exceptional children in a school district other than that of his residence, the School Board of the district of his residence shall pay to the school district maintaining the class which he attends the State and county per

capita apportionment received by the district or a sum equal to the cost of educating a normal child of like grade in the district of his residence. If the per capita cost of educating a normal child of like grade in the district of his residence is smaller than the per capita cost of educating a normal child of like grade in the district where he attends, the amount of the difference may be included as part of the excess cost claimed by the school district where the child attends such class.

Sec. 3. The following sums of money or as much thereof as may be necessary are hereby appropriated from the General Revenue Fund of any money in the Treasury of the State of Texas, not otherwise appropriated, for the administration of this Act during the years indicated below:

	For the Fiscal Year End. Aug. 31, 1946	For the Fiscal Year End. Aug. 31 1947
Director	\$ 4,000.00	\$ 4,000.00
Asst. Director..	2,400.00	2,400.00
Secretary	1,800.00	1,800.00
Stenographer .	1,350.00	1,350.00
Travel and Con- tingent Ex....	2,950.00	2,950.00
	<hr/> \$12,500.00	<hr/> \$12,500.00

There is hereby appropriated out of any money in the General Revenue Fund of the Treasury of the State of Texas, not otherwise appropriated, the sum of One Hundred Thousand Dollars (\$100,000.00) or so much thereof as may be necessary for the purpose of carrying out the provisions of this Act, for the first year of the biennium beginning September 1, 1945 and ending August 31, 1947. For the last year of the 1945-1947 biennium, there is appropriated out of the General Revenue Fund of the State of Texas, the sum of One Hundred Seventy-five Thousand Dollars for the purpose of carrying out the provisions of this Act.

Article VI: Institutional Schools.

Section 1. The Division of Special Education may establish or approve convalescent classes in approval treatment institutions and pay the cost thereof; however, such aggregate cost, which shall be over and above the average per capita cost of educating normal children in the respective school districts, shall not exceed Two

Hundred Dollars (\$200.00) per child, per year. The State and County available per capita apportionment for educating a normal child in the respective school district shall be transferred by the school district of the exceptional child to the approved treatment institution in which he is attending convalescent classes; and such application for transfer shall be filed in the office of the County School Superintendent on or before August 1st of each year on forms furnished by the State Department of Education. The State Crippled Children's Services and the managers of such institutions shall cooperate with the Division of Special Education in such educational programs under and regulations jointly established by them.

Article VII. Repealing and Constitutional Clauses.

All laws or parts of laws in conflict herewith are hereby repealed, and in the event any provision of this Act is declared unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Act shall nevertheless remain in full force and effect.

Article VIII. Emergency Clause.

The fact that there is no provision in the statutes providing for the education of exceptional children as defined in this Act, creates an emergency and an imperative public necessity, that the Constitutional Rule, requiring bills to be read on three several days in each House, be suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senator Morris moved that the report be adopted.

The report was adopted by the following vote:

Yeas—29

Aikin	Moore
Brown	Morris
Bullock	Parrish
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalfe	York
Moffett	

Absent—Excused

Kelley

Mauritz

Bills and Resolutions Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following bills and resolutions:

H. B. 826, Appropriation to pay a judgment against the State obtained.

H. B. No. 565, "An Act making an appropriation to pay a miscellaneous claim out of any monies in the General Revenue Fund of the State of Texas not otherwise appropriated; authorizing the Comptroller of Public Accounts to pay said claim; and declaring an emergency."

H. B. No. 788, "An Act to amend Senate Bill No. 175, being Chapter 15, of the Acts of the Forty-sixth Legislature, Regular Session, effective March 25, 1939, as amended by House Bill No. 502, being Chapter 561 of the Acts of the Forty-seventh Legislature, Regular Session, effective July 2, 1941, authorizing independent school districts and city which have assumed the control of public schools situated therein to build or purchase buildings and grounds located within or without the district or city, for the purpose of constructing gymnasias, stadia, or other recreational facilities, to build additions thereto, and to authorize the purchase of additional buildings and grounds for such purposes and to mortgage and encumber the same, and the income thereof, and to evidence the obligation therefor by the issuance of bonds to secure the payment of funds to purchase or construct or to purchase and construct the same."

H. B. No. 671, "An Act authorizing savings and loan associations, banks, insurance companies, and other corporations or other organizations, similar or dissimilar, to lend and to buy and sell for their own account, obligations in which except as to value of property and dignity of lien thereon securing the obligation it is otherwise unlawful for such investor to invest its own funds (by direct loan or by purchase), if the entire amount of the indebtedness is insured or guaranteed in any manner by the United States or by this State."

H. B. No. 665, "An Act amending Article 2118 of the revised Civil Statutes of Texas, 1925, providing that where the requisite number of jurors are not in attendance at any time the court may direct the sheriff to summon a sufficient number of qualified men to make up the deficiency; providing that in counties governed by the jury wheel the names of those to be summoned shall be drawn from the jury wheel unless the parties waive the use of the jury wheel and providing for the discharge of the jurors so drawn and providing for adjournment of the whole number of jurors for the week or part thereof to any subsequent day of the term; and declaring an emergency."

H. B. No. 187, "An Act amending Article 4557, Chapter 10, Title 71 of the Revised Civil Statutes of Texas, as amended, and Articles 4565, 4565-a, Chapter 10, Title 71, of the Revised Civil Statutes of Texas, as amended, describing the powers and duties of the Texas State Board of Examiners in Optometry; requiring all persons desiring to practice optometry in Texas to pass an examination; prescribing qualifications and method of giving examinations; prescribing examination fee and method of obtaining duplicate licenses; providing for an annual renewal fee; providing certain exemptions for optometrists now in the armed forces; repealing all laws in conflict herewith and declaring that the remainder of the Act shall not be affected by the unconstitutionality or invalidity of any part thereof, and declaring an emergency."

H. B. No. 247, Compensation to be paid to jurors, veniremen and talesmen serving in the courts of this State.

H. B. No. 740, "An Act to transfer the control and management of the Galveston State Psychopathic Hospital from the State Board of Control to the Board of Regents of the University of Texas; and declaring an emergency."

H. B. No. 43, A bill to be entitled "An Act to supplement and modify statutes of Texas governing Probate of Wills by adding Section No. 5 to Article No. 3344, Revised Civil Statutes."

H. B. No. 829, "An Act to amend Section 1 of the Acts of 1939, 46th Legislature, Page 707, relating to the

exclusion of land from water improvement districts and water control and improvement districts so as to authorize the exclusion of land which is not agricultural in its nature, as well as land which is of such a nature that it cannot be irrigated in a practicable manner, and so as to provide for the publication of notice of hearing no petitions for such exclusion in a newspaper having a circulation on the district, and declaring an emergency."

H. B. No. 813, "An Act amending Section 6 of Chapter 427, Acts of the First Called Session of the Forty-fourth Legislature, as amended by Section 2, of Chapter 20, Acts of the Second Called Session of the Forty-fifth Legislature, as amended by Section 1 of Chapter 390, Acts of the Regular Session of the Forty-eighth Legislature; repealing Section 22 of Chapter 427, Acts of the First Called Session of the Forty-fourth Legislature as amended by Acts 139, Forty-sixth Legislature; and declaring an emergency."

S. B. No. 309, "An Act to amend Article 6899, Title 121, Chapter 1, Revised Civil Statutes of the State of Texas, Acts 1943, Forty-eighth Legislature, page 471, Chapter 315, Section 1, by adding a new section thereto entitled "Section 1a"; providing for the ownership of more than one brand and/or mark by a single owner, and for the recording of more than one brand and/or mark by a single owner; repealing all laws and parts of laws in conflict herewith; providing for a saving clause and declaring an emergency."

H. B. No. 800, "An Act fixing the maximum rate of tax to be levied for school districts, whether organized under general or special laws, and which, according to the last preceding approval original Scholastic Census, had a scholastic population of less than twelve hundred and fifty (1,250) scholastics; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 466, "An Act repealing all local or special laws in so far as they govern the taking or trapping of wild fox and sale of pelts thereof in McLennan County; and declaring an emergency."

H. B. 492, "An Act granting to the City of Corpus Christi, Texas, all right, title and interest of the State of Texas to certain land hitherto submerged by the waters of Corpus Christi Bay; ratifying and confirming exchanges, sales and conveyances of property heretofore made within said area, etc., and declaring an emergency."

H. B. No. 141, "An Act to amend parts of Chapter 1, Title 46, of the Revised Civil Statutes of 1925 by amending Article 2461, as amended by Acts of 1929, 41st Legislature, Regular Session, Chapter 17, page 46, defining the words "Credit Union" and providing for Capital Stock and entrance fees; and by amending Article 2462, as amended by acts of 1929, 41st Legislature, Regular Session, Chapter 17, page 46, as amended by Acts of 1939, 46th Legislature, Regular Session, Chapter 1, page 221, Section 1, by permitting a credit union to borrow money not to exceed fifty per cent of its capital and surplus; etc., and declaring an emergency."

H. B. No. 684, "An Act amending the Acts of the 41st Legislature, Regular Session, 1919, Chapter 40, Page 77, as amended (Article 1302a, Vernon's Texas Statutes), by adding a new section thereto, to be denominated Section 24a, providing for the assessment and collection of a maintenance tax on gross premiums on all insurers writing title insurance to defray the salaries and expenses of carrying out the provisions of said chapter, as amended, and providing that any unexpended balance shall be carried over in succeeding years in a separate fund and shall reduce the assessments for succeeding years, providing for a savings clause, and declaring an emergency."

S. B. No. 67, "An Act providing for and regulating appropriations for moneys in the State Treasury not otherwise appropriated to supplement local funds for prescribed by the Legislature; for the retirement of county or road district bonds and warrants for road building purposes eligible for such debt service prior to January 2, 1945; providing the present allocation shall apply only to the first Four (4c) Cents per gallon tax levied on motor fuel, and no additional taxes shall ever be used in the assumption of bonds or warrants;

providing nothing herein shall prevent the refunding of taxes collected on motor fuel or used for non-highway purposes; excepting one-fourth (1/4) of the net revenue from motor fuel taxes allocated to the State Available School Fund, providing for elec-

H. B. 530, "An Act amending Article 6118, of the Revised Civil Statutes of Texas, of 1925, so as to provide for the publication of the terms of a limited partnership once in each week for four consecutive weeks after registry, and providing that if such publication be not made that the partnership shall be deemed general, and declaring an emergency."

H. B. No. 150, "An Act to amend Acts 1931, 42nd Legislature, Chapter 165, as amended, 46th Legislature, Chapter 9, as amended, Acts 1943, 48th Legislature, Chapter 96, by adding thereto a new section to be numbered Section 13."

H. B. No. 238, To amend Article 2687 of the Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 181, "An Act amending Article 8281, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 556, "An Act to amend Article 7548 of Chapter 1 of Title 128 of the Revised Civil Statutes of the State of Texas of 1925; and declaring an emergency."

H. B. No. 278, "An Act to amend Section 5, of Chapter 285 of the Acts of the 48th Legislature, relating to the penalty and to those liable to prosecution for polluting public bodies of surface water; and declaring an emergency."

H. B. No. 814, Providing for the appointment and fixing the salary of an undersheriff in all counties having a population of (395,000) inhabitants and not more than (420,000).

H. B. No. 794, To diminish the civil jurisdiction of the County Court of Franklin County, Texas, and to conform the jurisdiction of the District Court of such county to such change.

H. B. No. 828, "An Act to amend Article 2806 Chapter 13 of Title 49, Revised Civil Statutes of Texas, 1925, as amended by Acts 1931, 42nd Leg. P. 182, Chapter 106, Section 1, rela-

ting to the consolidation of school districts, and declaring an emergency.

H. J. R. No. 13, Proposing an amendment to the Constitution of the State of Texas, amending Sections 51a, 51b, 51c, and 51d of Article III so that the same shall consist of one section to be known as Section 51a, providing that the Legislature shall have the power to provide assistance to and provide for the payment of same to actual bona fide citizens of Texas who are needy aged persons over the age of 65 years, needy blind persons over the age of 21 years, and needy children under the age of 16 years; providing for the acceptance of financial aid from the Government of the United States for such assistance; etc."

H. C. R. No. 65, Concerning international Pink Bollworm Commission and related matters.

H. C. R. No. 73, Granting permission to Nat Henderson to bring suit against the State of Texas and against the Highway Department of the State of Texas.

H. C. R. No. 99, Inviting M. E. Walter to address a Joint Session of the Legislature.

H. B. No. 289, "An Act to amend Subsection 4 of Article 7150 of the Revised Civil Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 811, Concerning the punishment of inmates of the Gatesville State School for Boys.

S. B. No. 319, "An Act creating in the Treasury a "Child Welfare Service Fund"; providing for the transfer of the now existing accumulated balance from the "Children's Assistance Fund" to the "Child Welfare Service Fund," and appropriating same to the State Department of Public Welfare; transferring the balance on hand not otherwise allocated or appropriated from the "Children's Assistance Fund," to the General Revenue Fund"; repealing clause; saving clause; and declaring an emergency."

H. B. No. 454, "An Act to amend Article 2842 of the Revised Civil Statutes of Texas, 1925, as amended by Acts of the 40th Legislature, 1927, Chapter 213, Section 3, so as to change

the date for holding the annual meeting for continuing or discontinuing textbooks in current use and making new adoptions; and declaring an emergency."

H. B. No. 854, Providing for the construction and installation of sanitary sewers.

House Bill 444 on Second Reading

On motion of Senator York, and by unanimous consent, the regular order of business was suspended to take up on its second reading and passage to third reading:

H. B. No. 444, A bill to be entitled "An Act providing workmen's compensation insurance for certain employees of the institutions and agencies under the direction or government of the Board of Directors of the Agricultural and Mechanical College of Texas; authorizing the said Board of Directors to require other employees to acquire protection under a group insurance plan; authorizing the said institutions and agencies to be self-insuring; providing that the institutions and agencies shall administer this Act; prescribing the powers and duties of the Industrial Accident Board and of the institutions and agencies; adopting by reference certain Legislative Acts relating to workmen's compensation insurance.

The President laid the bill before the Senate on its second reading.

The bill was read second time.

Senator York offered the following amendment to the bill:

Amend H. B. No. 444, page 14, line 13, after the word "appropriation" and before the word "made" add "out of the general revenue fund."

The amendment was adopted.

Question recurring on the passage of the bill to third reading, yeas and nays were demanded.

House Bill No. 444 was passed to third reading by the following vote:

Yeas—17

Carney	Ramsey
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Vick
Lane	Winfield
Moffett	York
Morris	

, Nays—10

Aikin	Martin
Brown	Metcalf
Bullock	Moore
Chadick	Shivers
Lanning	Taylor

Absent

Parrish	Weinert
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Absent—Excused

Kelley	Mauritz
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Motion to Place House Bill 444 on Third Reading

Senator York moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 444 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—15

Carney	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Metcalf	Vick
Moffett	York
Morris	

Nays—10

Aikin	Lane
Brown	Lanning
Bullock	Martin
Chadick	Taylor
Crawford	Winfield

Absent

Moore	Ramsey
Parrish	Weinert

Absent—Excused

Kelley	Mauritz
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House Bill 63 on Second Reading

On motion of Senator Spears, and by unanimous consent, the regular order of business was suspended to take up on its second reading and passage to third reading:

H. B. No. 63, A bill to be entitled "An Act of 1930, 41st Leg., 4th C. S., p. 60, ch. 33; (Art. 2997a, Sec. 17, R. C. S., 1925), as amended, authorizing and empowering canvassing boards charged with the duty of canvassing said election returns, to make, or cause to be made, prior to or at the time of canvassing said election returns, a comparison or recheck of said election returns with the results registered on the counterdials of said voting machines so used in said election; providing for the resealing of said voting machines upon completion of said recheck or comparison. and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

House Bill 63 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 63 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Brown	Morris
Bullock	Parrish
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalf	York
Moffett	

Absent—Excused

Kelley

Mauritz

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moore
Brown	Morris
Bullock	Parrish
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalf	York
Moffett	

Absent—Excused

Mauritz

Kelley

House Bills and Resolutions on First Reading

The following bills and resolutions were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 301, to Committee on Finance.

H. B. No. 438, to Committee on Public Health.

H. B. No. 874, to Committee on Finance.

H. B. No. 728, to Committee on Finance.

H. C. R. No. 80, to Committee on State Affairs.

H. C. R. No. 74, to Committee on State Affairs.

Request to Make Motion

Senator Crawford asked unanimous consent to move at this time to suspend the regular order of business to take up H. B. No. 645 on its second reading and passage to third reading.

The President announced there was objection to the request.

Adjournment

Senator Sulak moved that the Senate adjourn until 10:30 o'clock a. m., tomorrow.

Senator Stanford moved that the Senate recess to 2:30 o'clock p. m., today.

Question first recurring on the motion of Senator Sulak, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—14

Carney	Moffett
Chadick	Stone
Knight	Sulak
Lane	Taylor
Lanning	Vick
Martin	Winfield
Metcalf	York

Nays—11

Aikin	Jones
Brown	Morris
Bullock	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	

Absent

Moore	Ramsey
Parrish	Weinert

Absent—Excused

Kelley

Mauritz

The Senate accordingly at 12:40 o'clock p. m., adjourned until 10:30 o'clock a. m., tomorrow.

SEVENTY-FIFTH DAY

(Wednesday, May 23, 1945)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moore
Brown	Morris
Bullock	Parrish
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalf	York
Moffett	